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REMARKS

Claims 1-16 are pending in the present application. Claims 1 and 5 have been amended, Claims 17 - 20 have been added, and Claims 15-16 have been withdrawn, leaving Claims 1-14 and 17 - 20 for consideration upon entry of the present Amendment.

The Specification has been amended to correct certain errors contained therein and for clarity, as explained in detail below. Claims 1 and 5 have been amended for clarity and not to overcome the prior art. Support for the amendments can at least be found in originally filed paragraphs [0015], [0019], [0022], [0026], and [0027]. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Specification

The specification has been objected to because of the informalities noted in paragraph [0020]. More particularly, the conversions from g/in³ to g/cc are incorrect.

Applicant has amended paragraph [0020] as suggested by the Examiner to correct this informality. Accordingly, Applicant respectfully requests withdrawal of this objection.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-14 stand rejected under 35 U.S.C. §102(b), as allegedly anticipated by U.S. Patent No. 5,459,119 to Abe et al. Applicant respectfully traverses this rejection.

Independent Claim 1 is directed to a catalyst configuration, comprising: a substrate; an underlayer disposed on the substrate, the underlayer comprising a first catalyst composition; and an overlayer disposed on a side of the underlayer opposite the substrate, wherein the overlayer comprises a second catalyst composition comprising greater than or equal to about 75 wt% of Rh in the catalyst configuration.

In contrast, Abe et al. teach:

A catalyst for purification of exhaust gases, comprising a monolithic carrier and a catalyst layer formed thereon for reduction of the carbon monoxide, hydrocarbons and nitrogen oxides emitted from internal combustion engines, wherein (1) the catalyst layer contains catalyst particles each comprising heat-resistant inorganic oxide and at least one noble metal selected from Pt, Pd and Rh, loaded thereon, (2) the catalyst layer contains, as a whole, three noble metals of Pt, Pd and Rh, and (3) the catalyst layer contains, at any position ranging from the outer surface

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to the midpoint of the thickness, catalyst particles comprising a heat-resistant inorganic oxide and 2-10% by weight, based on the inorganic oxide, of Pd loaded thereon, and (4) the catalyst layer has at the outer surface, exposed catalyst particles comprising a[] heat-resistant inorganic oxide and at least Rh loaded thereon.

(Abstract).

In rejecting Claim 1, the Examiner alleged with regard to the limitation that the "second catalyst composition comprising greater than or equal to about 75 wt% of Rh the catalyst configuration" that:

Abe et al disclose (Catalyst type B) only Rhodium in the second layer, and no Rhodium in the first layer, therefore, it meets the instantly claimed limitation since the second layer comprises all the Rhodium present in the catalyst composition (100 wt%).

(Office Action, page 3) Applicant respectfully disagrees with the Examiner. Applicant respectfully submits that the Examiner appears to be misconstruing the teachings of Abe et al. by referring to a portion of the teaching, thereby taking the teaching out of context.

Applicant draws the Examiner's attention to Col. 9, lines 27-29. Here Abe et al. qualify and clarify the compositions of the layers and specifically state that the "first catalyst layer may be a Rh/Pd/Pt mixed phase." In other words, they clarify that the concentration of Rh in the underlayer is not limited. The composition of that layer can be Pt/Pd/Rh. Abe et al. teach various features for their catalyst, e.g., "the catalyst layer contains, as a whole, three noble metals of Pt, Pd and Rh." They define the phrase "the catalyst layer contains, as a whole, three noble metals of Pt, Pd and Rh" to mean that when "the section of the catalyst layer formed on a monolithic carrier is observed, each of the Pt, Pd and Rh exists at any portion of the thickness direction of the catalyst layer." (Col. 3, lines 15-23; and abstract). Additionally, Abe et al. teach "the catalyst layer has at the outer surface, exposed catalyst particles comprising an heat-resistant inorganic oxide and at least Rh loaded thereon." (Col. 4, lines, 13-16; and abstract).

Applicants submit that "[t]he identical invention must be shown in as complete detail as is contained in...the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989; MPEP 2131. Applicant agrees with the Examiner that Abe et al. teach rhodium in the outer layer. However, Abe et al. do not teach the identical invention in as much detail as is contain in Applicant's Claim 1. There is no teaching with respect to the specific amount of Rh in the outer layer versus the overall configuration. All they teach is that

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Rh can be in both layers. More particularly, Abe et al. do not teach, *inter alia*, "an overlayer disposed on a side of the underlayer opposite the substrate, wherein the overlayer comprises a second catalyst composition comprising greater than or equal to about 75 wt% of Rh in the catalyst configuration."

For at least these reasons, Abe et al. do not teach each and every element of Applicant's independent Claim 1. As such, Abe et al. do not anticipate independent Claim 1. Moreover, as a dependent claim from an allowable independent claim, Claims 2-14 are, by definition, also allowable.

It is further noted that Abe et al. fail to teach a catalyst configuration comprising an underlayer and an overlayer wherein the overlayer has an outer portion comprising greater than or equal to about 80 wt% of the Rh present in the catalyst configuration. Therefore, new Claims 17 - 20 are novel and non-obvious in view of the art of record.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicant. Accordingly, reconsideration and allowance is requested.


If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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